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SERIAL NUMBER: 07/705,720 FILING DATE: 05/24/91 FIRST NAMED INVENTOR: YOSHIOKA ATTORNEY DOCKET NO.: 35.05745-CIP

EXAMINER:

HORABIK, M

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ART UNIT: 2604 PAPER: 6

DATE MAILED: 03/23/92

DEPARTMENT OF COMMERCE
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire _____ month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 67-154 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☐ Claims _____ are rejected.

5. ☐ Claims _____ are objected to.

6. ☒ Claims 67-154 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

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1. It is initially noted with respect to the preliminary amendment filed May 24, 1991 the following comments and observations.

2. Applicants indicate Figures 39A, 39B, and 39C are to be added to the application. However, none of these Figures are currently of record in the filewrapper. Applicants are required to resubmit Figures 39A, 39B, and 39C.

3. Applicants also indicate page 89 is to be deleted. ~~However, no page 89 is to be deleted.~~ However, no page 89 is currently of record.

4. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 67-132, drawn to a display device, classified in Class 313, subclass 310.

II. Claims 133, 138, 139 and 140 are, drawn to method of preparing an electron emitting device by coating, classified in Class 427, subclass 77.

III. Claims 134-137 and 141-144 are, drawn to method of preparing an electron emitting device by particle dispersion, classified in Class 445, subclass 35.

IV. Claims 145-154, drawn to method of displaying images, classified in Class 358, subclass 209.

5. The inventions are distinct, each from the other because of the following reasons:

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The four groups of inventions are all mutually exclusive from one another. Group I is a display device that includes an electron emitting device and a phosphor. Group II is a method of making only an electron emitting device by a coating process. Group III is an alternative method of making only an electron emitting device, that is different from Group II process, by a particle dispersion process.

Group IV is a method of displaying an image using a display device that is different than the display device of Group I. Group I display device as claimed does not require the particulars of the display device of Group IV. In particular the wiring electrodes and modulating electrodes.

6. Because these inventions are distinct for the reasons given above and have acquired as separate status in the art as show by their different classification restriction for examination purposes as indicated is proper.

7. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of

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inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Horabik whose telephone number is (703) 308-0242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0962.

M. Horabik:st
March 18, 1992

Met. H.

Donald J. Yusk
DONALD J. YUSKO
SUPERVISORY PATENT EXAMINER
ART UNIT 264